

IN THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH
CIRCUIT

ALLETE, INC. D/B/A
MINNESOTA POWER;
NORTHERN STATES POWER
COMPANY – MINNESOTA
D/B/A/ XCEL ENERGY; GREAT
RIVER ENERGY; AND
SOUTHERN MINNESOTA
MUNICIPAL POWER AGENCY,

Petitioners,

v.

UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY, and
MICHAEL S. REGAN,
Administrator, United States
Environmental Protection Agency

Respondents.

No. 23-1776

FILED

APR 14 2023

U.S. Court of Appeals
Eighth Circuit-St. Paul, MN

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U.S. Court of Appeals
Eighth Circuit-St. Paul, MN

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), Petitioners ALLETE, Inc. d/b/a Minnesota Power; Northern States Power Company – Minnesota d/b/a/ Xcel Energy; Great River Energy; and Southern Minnesota Municipal Power Agency (collectively “Petitioners” or the “Minnesota Good Neighbor Coalition”) hereby petition this Court to review the final action of the United States Environmental Protection Agency partially disapproving Minnesota’s State Implementation Plan (“SIP”) submission regarding interstate transport under Clean Air Act § 110(a)(2)(D)(i)(I) for the 2015 primary and secondary 8-hour ozone National Ambient Air Quality Standards in the final rule entitled “Air Plan Disapprovals; Interstate Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standards” published in the Federal Register at 88 Fed. Reg. 9,336 (February 13, 2023) (the “Final Rule”).

This petition is timely filed within 60 days from the date notice of promulgation of the Final Rule was published in the Federal Register.

42 U.S.C. § 7607(b)(1).

A copy of the Final Rule is attached hereto as Attachment A.

This Court has jurisdiction and is the proper venue for this action because the part of the Final Rule under review is “locally or regionally applicable.”

42 U.S.C. § 7607(b)(1).

Dated: April 14, 2023

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Southern Minnesota Municipal Power
Agency; and collectively the Minnesota
Good Neighbor Coalition*